



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | | | |
|-------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/772,829 | 02/05/2004 | Robert S. Cooper | 114.0005 | 6010 |
| 27997 | 7590 | 01/12/2009 | EXAMINER | |
| PRIEST & GOLDSTEIN PLLC | | | KOVACEK, DAVID M | |
| 5015 SOUTHPARK DRIVE | | | ART UNIT | PAPER NUMBER |
| SUITE 230 | | | 2626 | |
| DURHAM, NC 27713-7736 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 01/12/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|--------------------------|--------------------------------------|--------------------------------------|
| Interview Summary | Application No. 10/772,829 | Applicant(s) COOPER ET AL. |
| | Examiner David Kovacek | Art Unit 2626 |

All participants (applicant, applicant's representative, PTO personnel):

(1) David Kovacek. (3) Peter Priest.

(2) Richemond Dorvil. (4) _____.

Date of Interview: 07 January 2009.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 2.

Identification of prior art discussed: Cohen (US 6,560,576); Surace (US 6,144,938).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner attempted to help clarify aspects of previous Office Action with respect to Claims 1 and 2. Interpretation of prior art with respect to Claims 1 and 2 was discussed. Primary focus was upon broadest reasonable interpretation of claims with respect to "function usage tally" as recited in claims and applicability in the prior art. No agreement with respect to allowability was reached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DMK, 01/07/2009

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626